

Jan. 16, 2019

U.S. District Judge Berian Cogan
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY

RECEIVED
HON. Brian M. Cogan

JAN 16 2019

Dear Judge Cogan,

I am a member of the public and a reporter covering the case of U.S. v. Guzman-Loera, 09CR466. I am writing to seek prompt access to Docket 551, a government Motion in Limine.

The prosecution docketed and self-sealed this motion on Jan. 15. This morning, you denied in open court the government's request to seal it, denied a request to redact a name or names, and disposed of the substantive issues raised in the motion.

However, Docket 551 remains sealed on the docket, despite separate requests to the U.S. Attorney's press office and to AUSA Goldbarg to expedite the unsealing pursuant to your ruling. AUSA Goldbarg said she thinks she has five days, for reasons I do not understand. I raised my hand to attempt to raise this issue at the end of proceedings today. You advised me to write a letter.

As you know, there is a presumption of press and public access to judicial documents under the common law and our Constitution. Sealing is permitted only when a judge makes findings that there is a compelling and overriding interest in secrecy, which you have declined to make. The right of access includes a right of timely access.

The motion dealt with matters discussed in court on Jan. 15 and Jan. 16, so timely access seems to me to be now, when we are trying to explain events to our readers that are discussed in the motion. This public function is one of the goals of the transparency promoted by the presumption. Unsealing a motion for which there is no judicial authority is a simple matter, and does not involve tasks that would justify a delay.

The merits are not at issue here, because you have ruled, and denied the government's request for sealing. You said nothing about a five-day delay in court, and I am not aware of any federal five-day-delay rule for compliance with court rulings or with Constitutional access rights.

So I am requesting that you take steps to insure the unsealing as soon as possible. Thank you very much for your attention.



/John Riley
Newsday
516-458-2393

Riley
Newsday

U.S. District Court
Southern District of New York

JAN 16 2019

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. District Judge Brian Cogan
EDNY
225 Cadman Plaza
Brooklyn, NY # 805

